

REMARKS

Applicant has carefully reviewed the Official Action dated March 23, 2007 for the above identified patent application.

At page 2, paragraph 2 of the Official Action, the Examiner has objected to Claims 8 - 10 and 13 - 17 on the grounds that it is unclear if the primary key (10) as recited in Claims 8 and 14 - 17 is the same as the primary key (10) as recited in Claim 1, and if the secondary key (20) recited in Claims 9 - 10 and 13 is the same as the secondary key as recited in Claim 1. In response to these objections, the claims have been amended to clearly indicate that the primary key recited in Claims 8 and 14 - 17, is, in fact, the same as the primary key as recited in Claim 1, and that the secondary key (20) recited in Claims 9 - 10 and 13, is, in fact, the same secondary key as recited in Claim 1.

At page 2, paragraph 4 of the Official Action, Claims 1 - 20 have been rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite. The form of the claims has been amended to overcome the formal grounds of rejection raised in the Official Action. More specifically, process Claims 1 - 7 and 12 are now presented in a customary method claim format, positively reciting the specific steps of the claimed methods. As also required in the Official Action, the terms "for instance" and "e.g." have been deleted from the claims.

The Official Action also states that in Claims 8 and 14 - 17, the "primary key (10)" lacks the necessary structural cooperative relationship among the other elements of the claims, and that in Claims 9 - 10 and 13, the "secondary key (20)" lacks the necessary structural relationship among the other elements of the claims. As noted above, Claims 8 and 14 - 17 have been revised to clearly recite that the "primary key (10)" is the same primary key as recited in Claim 1, and Claims 9 - 10 and 13 have been revised to recite that the "secondary key (20)" is, the same secondary key as recited in Claim 1, thereby providing the necessary structural relationship between the primary key and the secondary key and the other elements recited in the claims.

Applicant respectfully submits that the form of the claims, as amended herein, provides the necessary structural cooperative relationship between the primary key and the secondary key, respectively, and the other elements recited in the claims.

Applicant submits that the form of the claims, as amended herein, overcome both the objections and the formal grounds of rejection raised in the Official Action, and that the form of the claims complies with 35 U.S.C. Section 112, second paragraph, in all respects.

At page 4, paragraph 6 of the Official Action, the Examiner has raised a provisional double-patenting rejection based upon the claims of co-pending application Serial No. 10/502,018. The

Examiner acknowledges that this is a provisional double patenting rejection since the conflicting claims have not yet been patented. Accordingly, it is unnecessary for Applicant to take any action with regard to the provisional double-patenting rejection at this time.

At page 6, paragraph 10 of the Official Action, Claims 1 - 5, 10 - 12 and 18 - 20 have been rejected under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent No. 5,705,991 (Kniffin et al). At page 9, paragraph 11 of the Official Action, Claims 6 - 7 have been rejected under U.S.C. Section 103(a) as being obvious over U.S. Patent No. 5,705,991 in combination with U.S. Patent No. 6,538,557 (Giessl). At page 10, paragraph 12 of the Official Action, Claims 8 - 9 and 13 - 17 have been rejected under 35 U.S.C. Section 103(a) as being obvious over U.S. Patent No. 5,705,991.

For the reasons to be discussed below, Applicant respectfully submits that the claims currently pending in the present application are clearly allowable over the prior art applied to reject them in the Official Action.

Applicant initially notes that independent Claim 1 has been revised to expressly recite the features of the invention in which 1). the valuable documents or objects within the container will be destroyed if the alarm system is not properly deactivated when opening the container, and 2). that the full code set (ABCD)

required to initiate deactivation of the alarm system requires use of the first key simultaneously with use of the second key for completing the full code set to properly deactivate the alarm system and open the container without destroying the contents within the container. These features of the invention are supported by the original specification at, for example, page 2, first paragraph ("...to destroy or bring influence to bear on the valuable contents of the container..."), and at page 3, third full paragraph ("...Thus, both the primary key 10 and the secondary key 20 must be used simultaneously in order to enable the container 1 to be deactivated...").

Independent Claim 1 has been rejected in the Official Action as being anticipated by the Kniffin et al patent. In support of this rejection, the Official Action suggests that the Kniffen et al patent implicitly employs both a person carried primary key and an intended destination key which supplies the authorized location of the scheduled stop of the container. Applicant respectfully disagrees with the Examiner's conclusion. The Kniffen et al patent discloses a system by which the delivery of the contents within a truck is monitored. The security entry system disclosed by this patent is intended to verify different delivery stops of a truck, which are both authorized, and in proper sequence. This is accomplished by a system in which a security code is entered each time the truck reaches its delivery destination to verify 1). that the truck is at an authorized

delivery destination, and 2). that the delivery destination is in a proper predetermined sequence.

When the truck arrives at a delivery destination, a security code is transmitted by radio waves from the destination to a clearinghouse, and an authorization signal from the clearinghouse is generated if the truck is at an authorized delivery destination in the proper sequence. Therefore Kniffen et al employs only an intended destination key, but does not require that the delivery person carry a separate key which coacts with the destination key.

Contrary to the system disclosed by Kniffen et al, the method disclosed and claimed by Applicant requires the use of a first container-opening key in conjunction with a stationarily disposed second key to properly deactivate the alarm system to enable the container system to be opened without destroying its contents. These features of Applicant's invention are not disclosed, suggested, or implied by Kniffen et al.

Although Applicant disagrees that the Kniffen et al patent teaches a system requiring the use of first and second keys, assuming arguendo that it does, Kniffen et al nonetheless does not teach or suggest that the first and second keys must be used simultaneously to properly deactivate the alarm system. As discussed above, Kniffen et al discloses a system requiring several different consecutive sets of steps to deactivate an

alarm. These steps include generating a signal from the delivery location and transmitting it to a clearinghouse for verification, and generating a verification signal at the clearinghouse to gain access to the contents of the truck. Thus, Kniffen et al teaches against simultaneous use of both the first and second keys to properly deactivate an alarm system to permit authorized access to the contents of a container, as disclosed in Applicant's specification and as now expressly recited in independent Claim 1. Thus, assuming arguendo that the Kniffen et al patent implicitly discloses use of both a carrier transported first key and a stationarily disposed second key at a predetermined location, there is clearly no teaching or suggestion that the keys are to be used simultaneously but, on the contrary, Kniffen et al teaches away from such simultaneous use as a result of the multi-step procedure required to properly unlock and open the system.

Additionally, independent Claim 1 has also been revised to expressly recite that the failure to properly deactivate the alarm system by simultaneous use of both the first and second keys, will result in the destruction of contents within the container when opening the container. There is clearly no teaching or suggestion in the Kniffen et al patent that the failure to properly deactivate the alarm system, as for example, during an unauthorized entry into the container, will result in the destruction of the contents in the container.

Applicant respectfully submits that independent Claim 1, as amended herein, is clearly not anticipated by the Kniffen et al patent. It is well established that a rejection of a claim as being anticipated by a prior art reference requires the Patent & Trademark Office to establish a strict identity of invention between the rejected claim and a single applied prior art reference. Stated in other words, a rejection of a claim as being anticipated is improper unless a single prior art reference discloses all features of the rejected claim, as arranged in the claim. See, for example, Connell v. Sears, Roebuck & Co., 220 USPQ 193 (Fed. Cir. 1983).

For the reasons discussed herein, it is clear that there is no strict identity of invention between independent Claim 1, as amended herein, and the disclosure of the Kniffen et al patent. Moreover, as a result of the significant differences in the method now defined by independent Claim 1 and that disclosed by Kniffen et al, there is clearly no suggestion or motivation in the prior art itself to modify the Kniffen et al disclosure, which in many instances teaches against the method now defined by independent Claim 1, to render independent Claim 1 obvious.

Applicant respectfully submits that independent Claim 1 is allowable over the applied prior art. The remaining claims, which depend directly or indirectly from Claim 1 and include all features of that claim, are allowable, at least for the same reasons as parent independent Claim 1.

Enclosed is a Petition to extend the time for responding to the outstanding Official Action for three (3) additional months, through and including September 23, 2007. Also enclosed is the required fee for the requested extension of time.

Also enclosed is an Information Disclosure Statement, and the required filing fee.

Applicant respectfully submits that all claims are in condition for allowance, and favorable action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark P. Stone', with a stylized flourish at the end.

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